

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KFD ENTERPRISES, INC.,

No. C-08-4571 MMC

Plaintiff,

**ORDER GRANTING DEFENDANT
FIRBIMATIC SpA'S MOTION TO
DISMISS; VACATING JANUARY 15,
2010 HEARING**

v.

CITY OF EUREKA, et al.,

Defendants

AND ALL RELATED CROSS-CLAIMS AND
THIRD-PARTY CLAIMS

Before the Court is defendant Firbimatic SpA's motion, filed November 13, 2009, to dismiss plaintiff KFD Enterprises, Inc.'s ("KFD") Second Amended Complaint, for lack of proper service. On December 23, 2009, KFD filed a statement of non-opposition.

The Court having read and considered the motion, and good cause appearing, the motion is hereby GRANTED and the Second Amended Complaint, to the extent it is alleged as against Firbimatic SpA, is hereby DISMISSED without prejudice.¹

IT IS SO ORDERED.

Dated: December 23, 2009


MAXINE M. CHESNEY
United States District Judge

¹The January 15, 2010 hearing on the instant motion is hereby VACATED.